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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-first session

SUMMARY RECORD OF THE 817th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 24 September 2002, at 10 a.m.

Chairperson: Ms. SARDENBERG (Vice-Chairperson)

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In the absence of Mr. Doek, Ms. Sardenberg, Vice-Chairperson, took the Chair

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of the Sudan (CRC/C/65/Add.17; CRC/C/Q/SUD/2; HRI/CORE/1/Add.99/Rev.1; written replies of the Government of the Sudan to the questions in the list of issues (document without a symbol distributed in the meeting room in Arabic, English and French))

1. At the invitation of the Chairperson, the members of the delegation of the Sudan took places at the Committee table.

2. Mr. MIRGHANI (Sudan) said that the Government of the Sudan was committed to ensuring observance of human rights treaties, and was dedicated to the protection of human rights by all possible means. It had made every effort to file timely reports with the human rights bodies, and had undertaken to acknowledge shortcomings in a courageous manner and to request assistance to overcome them. The State party had concluded a cooperation agreement in March 2000 with the Office of the United Nations High Commissioner for Human Rights (OHCHR). As a result, three seminars had already been held, including one devoted to the formulation of reports for the treaty bodies.

3. The Sudan had since 1983 been the theatre of a civil war that had affected first and foremost women and children. Rebel forces had destroyed some 1,100 schools and had forced tens of thousands of children to enlist. Some had been coerced into transporting military equipment and weapons from far away in neighbouring countries. The war had affected all children in the country, regardless of whether they lived in the north or the south. Some 3,000 children from southern Sudan who had been abducted by the rebels had recently been sent overseas. It was regrettable that they had not instead been reunited with their families.

4. The Government had made every effort to conclude a peace agreement, and was thankful to the United States Government and the European Union for their efforts in support of negotiations. Many issues had been resolved during peace talks held in July 2002. However, since then some serious difficulties had been encountered.

5. He urged the Committee to support the teaching in school of children's rights and the use of the media to strengthen observance of the rights of the child, as the best advocates of children's rights were children themselves. Lastly, he invited the Committee members to visit the Sudan as part of technical assistance and cooperation programmes in order to share their experience.

6. Ms. MUSTAFA (Sudan) noted that the Sudan had been one of the first countries to accede to the Convention. In 1991, the Government had established the National Council for Child Welfare, which included representatives of all relevant ministries and of civil society. In addition, some 21 similar councils had been established at the State level to ensure increased monitoring capacity. The National Council for Child Welfare had undertaken a major advocacy

programme for the rights of the child, and had held some 50 workshops and seminars on a very wide range of issues, including children in armed conflict, the integration of disabled children, education policy, juvenile justice, HIV/AIDS and child labour.

7. The new Constitution adopted in 1998 included a comprehensive bill of rights and had established a Constitutional Court. The provisions of international treaties to which the State party acceded were given the same force as national legislation. The Government was making an effort to revise the legislation pertaining to children's rights so as to bring it into line with all international human rights treaties, including the Convention. Recent efforts to improve the juvenile justice system had culminated in the establishment of juvenile courts and a special police force for children in Khartoum, and there were plans to extend such initiatives to other parts of the country.

8. In 2000 a wide-ranging evaluation had been conducted of the National Plan of Action for Child Survival, Protection and Development, which had covered the period between 1992 and 2001. The results of the evaluation had been presented at the United Nations General Assembly special session on children in 2002.

9. Efforts had been made to increase the coverage and accessibility of primary health care facilities, in particular by adopting a health area system according to which each community should have its own health structures, including a rural hospital, health centres and a primary health care unit providing services for 2,000 to 5,000 people. By 1998, about a third of the local councils had had satisfactory coverage. Measures were being taken to ensure that all local councils would be covered by 2005.

10. In a context where conflict had caused large-scale displacement of people and destruction of facilities, the Government considered that the best way to ensure affordable, accessible health care and education services was to adopt a decentralized approach. It had taken steps to increase enrolment rates in basic education, to provide safe water and thus combat water-borne diseases and to improve general sanitation levels, but much remained to be done. Disparities remained between the various States, and the number of births registered remained exceedingly low.

11. Child protection, to which the Government attached the greatest importance, had been enhanced by two events in particular since the report's preparation. One was the establishment of the Commission to Eliminate the Abduction of Women and Children. The other was the UNICEF Operation Lifeline Sudan, which involved the support of various United Nations agencies and other international aid sources. Its purpose was to ensure adequate standards of health, nourishment and other essential support for children, not only in the northern part of the country but in the southern sector too, where the Government did not have control. Since 1996 some $147 million had been allocated to the operation.

12. Another issue to which the Government attached importance was the need to remove all opportunity disparities between boys and girls. It was hoped that the measures being taken would result in overall equal opportunity by 2015. Clearly, however, the greatest constraint on all Government efforts was the consequence of the long civil war; lasting peace was essential to the full use of the nation's resources for the benefit of all, including children. Technical support was especially needed in areas such as respect for the rights of the child, which would involve

the alignment of domestic legislation. A number of non-governmental organizations, as well as the Sudanese Movement for Children, were already acting in partnership with the authorities in that regard.

13. Her delegation thanked the Chairperson and members of the Committee for the opportunity to present the report and provide further information. The Government of the Sudan was fully committed to the rights of the child and to enacting appropriate legislation for that purpose; but it would need the requisite technical support.

14. The CHAIRPERSON thanked the Sudanese delegation for introducing the report and providing additional information. She invited the members of the Committee to take the floor with regard to the first cluster of questions.

15. Mr. AL-SHEDDI thanked the Sudanese delegation for the additional information provided in the introductory statements. The report under consideration had been presented in good time; despite some shortcomings, it reflected Sudan's determination to respect children's rights. One of the shortcomings was a lack of information about efforts to raise general awareness on the rights of the child. The Committee was aware, however, of the lack of resources and the problems stemming not only from many years of conflict but from the Sudan's vast territory and its population's many cultures and creeds. His observations during a recent visit to the Sudan gave grounds for optimism, and he hoped, in particular, that the effect of the war situation on children could soon be generally alleviated; however, the Committee needed to have much more information about efforts to that end.

16. With regard to legislation, the report mentioned a number of laws and legislative enactments aimed at guaranteeing children's employment of their full rights, but it was not clear what was being done in practice. Moreover, since children's rights had not been fully incorporated into the 1998 Constitution, he wished to know what steps were being taken to align the provisions of the Constitution and the Convention, and hoped that new legislation would be in line with the latter. With regard to follow-up and monitoring, he would like to know what mechanisms were available to the Advisory Council for Human Rights and the regional councils, whether they were independent, and what legal remedies they were empowered to apply. He would also like to know exactly how the National Council for Child Welfare operated, what it had achieved, to what extent the authorities were involved in its decisions, whether the latter were binding, and what its relations with the regional bodies were. Information was lacking, too, about coordination and cooperation by the authorities with regard to UNICEF, other United Nations agencies and non-governmental organizations.

17. Information about the registration of children revealed startling discrepancies. In general, it seemed that less than 50 per cent of children were registered - in Darfur, for example, only 30 per cent, compared to 80 per cent in the capital. Such discrepancies had to be remedied.

18. Mr. CITARELLA said that he had the feeling, from reading the report, of a sense of criticism of international agencies and NGOs; perhaps the various agreements in that regard should be renegotiated. The country's grave problems, stemming from the effects of the long civil war and from an economic situation that showed no signs of recovery, made it difficult for the Government to devote enough time and resources to ensuring compliance with the

Convention and other international human rights instruments. A question the Committee asked all States parties was whether the Convention formed part of the law of the land. In the Sudan, the existence of forms of customary law in addition to enacted legislation made appraisal by the Committee difficult; for example, it was hard to arrive at a definition of the child. Paragraphs 17 onwards in the report revealed no clear-cut definition, and the fact that many children were not registered complicated matters further.

19. It seemed that no child could seek or obtain medical assistance except through parents or guardians. Matters were also unclear with regard to the age of compulsory education and the ages of eligibility for marriage, which differed not only between boys and girls but between Muslims and non-Muslims. Some other minimum ages, such as 16 years for voluntary recruitment for military service and 7 years for criminal liability, seemed surprisingly low. In particular, he asked for clarification of an apparent discrepancy between the conditions outlined in paragraph 54 on the report, on eligibility for marriage, and the principle of non-discrimination mentioned in the following section.

20. Ms. KHATTAB asked whether the Government had been able to produce indicators to monitor situations before and after Operation Lifeline had been introduced. Did it intend to seek the aid of the United Nations and its agencies to establish an agreement for the provision of services, including those for children such as health care, sanitation and education, in areas affected by the former hostilities? She noted the principles mentioned in paragraphs 55 to 59 of the report; if they could be given legislative and practical effect, all differences in status and situation should eventually be eliminated.

21. She wished to know whether the National Council for Child Welfare and the regional bodies had a presence in the south of the country, and would like to have information on the mandate of the Advisory Council for Human Rights, in particular whether it could follow up human rights violations, receive complaints and take action. She also asked why the Convention on the Elimination of All Forms of Discrimination against Women was not mentioned in paragraph 10 of the report, which listed the instruments on whose provisions national laws were based.

22. She wondered whether problems of dialogue might increase after adoption of a federal system. In general she saw no sign of indicators to measure progress in implementing international human rights instruments, including the Convention.

23. The Sudan had played an important role in the General Assembly's recent special session on children. Therefore, she wondered whether it had launched any plans pursuant to the decisions taken and, in particular, whether priority would be given to matters such as discrimination between the sexes. In that regard, Islam was often unfairly criticized for distinctions made in matters such as eligibility for marriage, which usually stemmed from tribal customs.

24. Ms. AL-THANI said she would appreciate further details concerning the whereabouts of the 3,000 abducted children who, having been found by UNESCO, had never been returned to their families. A detailed account of the various laws adopted in relation to child rights was given in the report, but not enough information was provided concerning the impact of those

laws. There was little evidence that children themselves had participated either in the review process for the report or in efforts to disseminate the Convention. A total of 47 seminars and workshops had taken place with a view to raising awareness, but only three of those had been designed for children.

25. She wanted to know whether an independent body had been set up to receive complaints concerning violations of children's rights, and whether steps had been taken to eliminate discrimination. She was particularly concerned by reports of discrimination against disabled children, children born out of wedlock and the girl child. Lastly, she requested further details about the pilot scheme for a children's parliament.

26. Ms. TIGERSTEDT-TÄHTELÄ said that the Government had failed to comply with the request by the Committee for disaggregated data on the amount and proportion of the national budget devoted to children. Without comparative data, it was difficult for the Committee to assess the importance that the Government gave to children's rights. She enquired whether the process of decentralization, which had led to disparities from one State to another, had also made it problematic to collect social indicators. The delegation should explain what the Government was doing to reduce the disparities between States, and whether the taxation system was designed to redistribute wealth effectively.

27. In the light of reports that structural adjustment had led to spending cuts, for instance in the educational sector, she asked whether the Government intended to conduct a study into the impact on access to basic services. She understood that between 70 and 90 per cent of the population lived below the poverty line, while spending on education had accounted for less than 1 per cent of the overall budget between 1994 and 1997. She asked whether the delegation could confirm those statistics. Given that industrial output and the national budget were steadily increasing, she would welcome an account of how the Government intended to use that wealth to enhance social service provision for children, in accordance with article 4 of the Convention.

28. Reference had been made in the written replies to a conference held in April 2002 to discuss the distribution of resources between States. It would be interesting to learn whether fresh ideas had been proposed concerning water resources and grazing rights, which constituted the leading causes of child abductions. She failed to understand why, since the establishment of the Commission to Eliminate the Abduction of Women and Children, only 384 children had been successfully returned to their families. She asked for a description of the main obstacles encountered by the Commission. It would be useful to learn whether the Advisory Council for Human Rights considered children's rights within its mandate, and whether the Sudanese Movement for Children had participated in the activities of the National Council for Child Welfare.

29. Ms. OUEDRAOGO asked for details of any progress made towards ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocols to the Convention on the Rights of the Child, the ILO Minimum Age (No. 138) and Worst Forms of Child Labour (No. 182) Conventions, and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. She welcomed efforts to disseminate the Convention, but suggested it would be more useful to introduce regular vocational training for professionals rather than hold seminars on an ad hoc basis. She asked

whether plans had been made to incorporate teaching on the Convention into school curricula, and whether initiatives had been taken to reach those children not enrolled in schools. She expressed concern that effective enjoyment of the right to life, survival and development was restricted in many areas of the country, particularly those under rebel control.

The meeting was suspended at 12.00 p.m. and resumed at 12.15 p.m.

30. Ms. MUSTAFA (Sudan) said that the National Council for Child Welfare, comprising representatives from all relevant ministries and civil society organizations, was responsible for developing strategies at the national level. It communicated policy decisions to child welfare councils at the State level, which had the task of implementing those decisions. State councils also supplied the National Council with valuable information from the grass-roots level. There were plans to develop, with the help of the World Bank and UNICEF, a national database of social indicators, as well as a comprehensive statistical guide to the situation in each State.

31. The National Council for Child Welfare could recommend the President of the Republic to issue decrees on issues concerning children. The issue of girls' education had been raised at a Council meeting in 2000 and subsequently a special unit had been created within the Ministry of Education to reduce gender disparities in education. In 1998, the Council had taken action to ensure that vaccinations were free for all. The Council had also taken steps to cooperate with NGOs. For example, the Sudanese Movement for Children, which had been created on the Council's initiative in 2001 and comprised representatives of national and international voluntary organizations involved with children, had played an active role in the preparations for the General Assembly special session on children in May 2002 and had prepared a concept paper for consideration by the Government.

32. Greater emphasis was being placed on the participation of children; for example, a children's forum had been created to provide children from different States with training in the provisions of the Convention. Those children had participated in a number of national and regional meetings concerning children.

33. Sudan had signed and was in the process of ratifying the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and ILO Minimum Age Convention, 1973 (No. 138). It had recently signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. Although it had not yet signed the Convention on the Elimination of All Forms of Discrimination against Women, it did not oppose the ratification of any international instrument that protected women and children.

34. In reply to a question about the Council's knowledge of problems facing children in the south of the country, she said that comprehensive information was available and that the topic would be addressed in the Sudan's third periodic report. On the issue of decentralization, she said that the Government had conducted a detailed study of the financial situation of each State to determine what resources were available and to help States to tap their own resources, and was in the process of preparing a 25-year financial strategy plan. A workshop held to evaluate the federal system had concluded that the Government needed to focus on the development of human resources at State level and that the federal system should support poor States until they were able to fund their own activities.

35. On the issue of coordination between the different State institutions, she said that the National Council for Child Welfare acted as the coordinating system for all issues relating to children. It had created a technical committee that involved all sectors and ministries in the preparation of its strategies and a committee comprising representatives of NGOs involved with child rights. A ministerial committee met on a weekly basis to discuss social sector activities and to revise plans in that sector at State level.

36. Ms. KHATTAB said she would like to hear more about the situation of children in the south of the country, especially in areas that were not under Government control. It would be useful to know whether Operation Lifeline Sudan had encountered any problems providing assistance to children in hard-hit areas with poor access. It would also be interesting to learn how children living in conflict areas were guaranteed the right to health and education.

37. Ms. MUSTAFA (Sudan) said that Operation Lifeline Sudan was operated from Nairobi on the basis of an agreement between the Sudanese Government and United Nations agencies and aimed to provide humanitarian aid to displaced persons in the north of the country and to children in war-affected areas in the south. The Government had called a ceasefire at specified times to permit certain activities, such as the immunization of children, to be carried out under the programme.

38. Mr. ELMUFTI (Sudan) said that as the Convention formed part of national law and was enforceable before the courts, the 1998 Constitution did not need to list all the rights enshrined in the Convention. The Convention also took precedence over customary law, which was not enforceable unless it had been adopted by specific legislation. The Sudan had ratified the Vienna Convention on the Law of Treaties.

39. In reply to a question about the age of criminal responsibility, he said that the matter was well defined in the Penal Code, which stipulated that any person under the age of 7 was not subject to reformatory measures and that a minor under the age of 15 and who had not attained maturity was not deemed to have perpetrated a criminal offence. The death penalty could not be imposed on anyone under the age of 18. With regard to civil matters, the Civil Transactions Act of 1984 stipulated that any person having attained 18 years of age was fully competent to exercise his civil rights.

40. The Advisory Council for Human Rights had been established to coordinate the efforts of Government institutions working in the field of human rights. In practice, it had become involved in the investigation and follow up of complaints of human rights violations from NGOs and other institutions. The Commission to Eliminate the Abduction of Women and Children had been established pursuant to a decision by the Chairman of the Advisory Council. On the request of the Working Group on Enforced or Involuntary Disappearances, the Council had conducted a comprehensive study into the problem of disappearances and had submitted a report on the issue to the Working Group.

41. Ms. KHATTAB asked whether the Government of the Sudan had entered into negotiations with neighbouring countries to address the problem of displaced and refugee children. It would be interesting to know whether any mechanisms had been established affording protection to children who had been forced to flee their homes because of armed conflict.

42. Ms. KARP asked whether the Advisory Council for Human Rights was able to receive personal complaints from children and whether children were aware of the options available to them.

43. Mr. ELMUFTI (Sudan) said that the Council had never received a complaint directly from a child, but that it was common for NGOs to file complaints on behalf of children. The Commission to Eliminate the Abduction of Women and Children had been established in May 1999 pursuant to a resolution of the Commission on Human Rights to address cases within the Sudan only. Since its establishment, the Commission had gathered information about 1,500 missing women and children, 600 of whom had been reunited with their families. The Commission worked closely with various partners in the international community, including the United Nations Children's Fund (UNICEF), the European Union and British and Swedish child protection organizations. It had received approximately US $1.5 million in international aid. Following recent difficulties, the Commission had been made directly responsible to the President in January 2002 and a permanent staff had been established. Although the President had set a time frame of one year to complete family reunification, that would be difficult to achieve given that war had caused the massive displacement of families. It was difficult to know exactly how many people had been abducted; according to some estimates, the numbers reached up to 7,000.

44. Ms. KARP said that the State party should clarify how many children had been reunited with their families. It would be interesting to know why children filed complaints with NGOs rather than the Advisory Council for Human Rights.

45. The CHAIRPERSON invited the members of the Committee to put questions to the delegation relating to civil rights and freedoms and family environment and alternative care.

46. Mr. AL-SHEDDI said he would like to know whether the Government had taken steps to increase the rate of birth registration, particularly among refugees. The question of child abduction warranted closer attention and it would be useful to know the Government's position regarding women victims of rape. Further information should also be provided about corporal punishment, which was tolerated in the Sudan.

47. Ms. AL-THANI said she would welcome further information about the situation of orphans. The reporting State should indicate why Muslim and non-Muslim orphans received different treatment in terms of placement and foster care. It would also be interesting to learn how the legislation relating to the fostering and placement of orphans was implemented and whether children who had been placed with families received any follow-up care. What options were available to children of unknown parentage? She welcomed the fact that resources were being allocated to orphanages but stressed that the placement of a child in an orphanage should be a last resort and that priority should be given to finding the child a family. More information

should be provided about the Personal Status of Muslims Act of 1991, which stipulated that children could be separated from parents who committed acts of violence against them or who placed them at risk. Who was responsible for making such a decision? How many children had been removed from their parents as a result? She expressed concern about the provision of the Penal Code that stipulated that a court could order the flogging of a juvenile suspect who had attained the age of 10 years. Details should be provided of other punishments that could be meted out to juveniles.

48. The report was highly critical of the international bodies responsible for children. The State party should outline its expectations in that regard and indicate where those bodies had failed. After all, the primary responsibility for children lay with the State party itself.

49. Ms. KHATTAB expressed disappointment that the general family climate in Sudan cultivated discrimination against women and particularly girls. It would be useful to know whether measures had been taken to raise awareness of their rights. Information should also be provided about the measures taken to improve shelters for children.

The meeting rose at 1 p.m.